

Rules and Regulations

Federal Register

Vol. 71, No. 51

Thursday, March 16, 2006

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 730

RIN 3206-AK60

Notification of Post-Employment Restrictions

AGENCY: Office of Personnel Management.

ACTION: Final Rule.

SUMMARY: The Office of Personnel Management is issuing final regulations requiring agencies to notify members of the Senior Executive Service (SES) and other employees in senior positions of certain post-employment conflict-of-interest restrictions. Agencies must provide written notification to affected employees of the new salary-based threshold for determining the applicability of the post-employment conflict-of-interest restrictions.

DATES: The final regulations are effective on April 17, 2006.

FOR FURTHER INFORMATION CONTACT: Brenda Roberts by telephone at (202) 606-2858; by FAX at (202) 606-0824; or by e-mail at pay-performance-policy@opm.gov.

SUPPLEMENTARY INFORMATION: On October 15, 2004, the Office of Personnel Management published interim regulations (69 FR 61143) to implement section 1125(b) of Public Law 108-136 to establish a new salary-based threshold for determining the applicability of certain post-employment conflict-of-interest restrictions under 18 U.S.C. 207(c). The new salary-based threshold became effective on the first day of the first applicable pay period beginning on or after January 1, 2004 (January 11, 2004, for most employees).

Section 1125(b)(1) of Public Law 108-136 amended 18 U.S.C. 207(c)(2)(A)(ii) to require SES members and other

individuals who are paid at a rate of basic pay equal to or greater than 86.5 percent of the rate of level II of the Executive Schedule to be subject to the post-employment restrictions in 18 U.S.C. 207(c). Most members of the Senior Executive Service (SES) are subject to these post-employment restrictions.

The law also included a grandfather provision in section 1125(b)(1) that applies to certain SES members and other individuals for a period of 2 years, through November 24, 2005. If such individuals, on November 23, 2003, were subject to 18 U.S.C. 207(c) and were employed in positions whose rate of basic pay, exclusive of locality payments under 5 U.S.C. 5304, was equal to or greater than the rate of basic pay payable for level 5 of the SES, they are subject to the 1-year post-employment restrictions in 18 U.S.C. 207(c) through November 24, 2005, without regard to any subsequent changes in position or pay.

If, at the end of the extended coverage period (November 24, 2005), a covered employee is paid at a rate of basic pay equal to or greater than 86.5 percent of the rate for level II of the Executive Schedule as of that date (i.e., \$140,217), he or she will continue to be subject to the post-employment restrictions in 18 U.S.C. 207(c). Agencies should review the pay of all SES members and other individuals who are covered by the grandfather provision in section 1125(b)(1) to determine whether they are subject to the new post-employment restrictions applicable after November 24, 2005. Agencies must provide written notification to senior executives and other individuals covered by 18 U.S.C. 207(c)(2)(A)(ii) reflecting whether they are subject to the post-employment conflict-of-interest restrictions, including when employment or service in a covered position is terminated. OPM has provided guidance to agencies on the expiration of the grandfather provision.

The 60-day comment period for the interim regulations ended on December 14, 2004. OPM received no comments on the interim regulations. Therefore, we are adopting the interim regulations as final.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities

because they will affect only Federal agencies and employees.

E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 730

Government employees.

Office of Personnel Management.

Linda M. Springer,

Director.

Accordingly, the interim rule amending part 730 of title 5 of the Code of Federal Regulations, which was published at 69 FR 61143 on October 15, 2004, is adopted as final without any changes.

[FR Doc. 06-2540 Filed 3-15-06; 8:45 am]

BILLING CODE 6325-39-P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 05-067-2]

Emerald Ash Borer; Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the emerald ash borer regulations by adding areas in Indiana, Michigan, and Ohio to the list of areas quarantined because of emerald ash borer. As a result of the interim rule, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the artificial spread of the emerald ash borer from infested areas in the States of Indiana, Michigan, and Ohio into noninfested areas of the United States.

DATES: Effective on March 16, 2006, we are adopting as a final rule the interim rule that became effective on October 25, 2005.

FOR FURTHER INFORMATION CONTACT: Ms. Deborah McPartlan, Operations Officer, Pest Detection and Management Programs, PPQ, APHIS, 4700 River Road

Unit 134, Riverdale, MD 20737-1236; (301) 734-4387.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective October 25, 2005, and published in the **Federal Register** on October 31, 2005 (70 FR 62230-62232, Docket No. 05-067-1), we amended the emerald ash borer regulations contained in 7 CFR 301.53-1 through 301.53-9 by adding Lima and Newbury Townships in LaGrange County, IN, and portions of Grand Traverse and Montcalm Counties, MI, and Auglaize, Fulton, Hancock, Henry, Lucas, Ottawa, Sandusky, and Wood Counties, OH, to the list of quarantined areas in § 301.53-3(c). The interim rule restricted the interstate movement of regulated articles from these quarantined areas to prevent the artificial spread of emerald ash borer to noninfested areas of the United States.

Comments on the interim rule were required to be received on or before December 30, 2005. We received one comment by that date, from a private citizen. The commenter offered a personal observation regarding the collection of firewood outside of a quarantined area, which we have brought to the attention of the relevant State officials, but did not provide any comments regarding the interim rule.

Therefore, for the reasons given in the interim rule and in this document, we are adopting the interim rule as a final rule without change.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived its review under Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

■ Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 70 FR 62230-62232 on October 31, 2005.

Done in Washington, DC, this 10th day of March 2006.

Elizabeth E. Gaston,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 06-2549 Filed 3-15-06; 8:45 am]

BILLING CODE 3410-34-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA-2005-20970; Directorate Identifier 2004-NM-53-AD; Amendment 39-14511; AD 2006-06-03]

RIN 2120-AA64

Airworthiness Directives; Cessna Model 500, 501, 550, S550, 551, and 560 Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Cessna Model 500, 501, 550, S550, 551, and 560 airplanes. This AD requires revising the airplane flight manual (AFM) to prohibit use of the wing fuel boost pumps for defueling under certain conditions; installing a placard; doing other specified investigative and corrective actions as necessary; and modifying the boost pumps. This AD also requires the subsequent removal of the AFM revision and placard. This AD results from a report of a chafed electrical wiring harness, which was arcing inside the fuel tank. We are issuing this AD to prevent potential fuel vapor ignition in a fuel tank, which could result in explosion and loss of the airplane.

DATES: This AD becomes effective April 20, 2006.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in the AD as of April 20, 2006.

ADDRESSES: You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the Docket Management Facility, U.S. Department of Transportation, 400 Seventh Street SW., Nassif Building, Room PL-401, Washington, DC.

Contact Cessna Aircraft Co., P.O. Box 7706, Wichita, Kansas 67277, for service information identified in this AD.

FOR FURTHER INFORMATION CONTACT: Bryan Easterwood, Aerospace Engineer, Electrical Systems and Avionics Branch, ACE-119W, Wichita Aircraft

Certification Office, FAA, 1801 Airport Road, room 100, Mid-Continent Airport, Wichita, Kansas 67209; telephone (316) 946-4132; fax (316) 946-4107.

SUPPLEMENTARY INFORMATION:

Examining the Docket

You may examine the AD docket on the Internet at <http://dms.dot.gov> or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647-5227) is located on the plaza level of the Nassif Building at the street address stated in the **ADDRESSES** section.

Discussion

The FAA issued a supplemental notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to certain Cessna Model 500, 501, 550, S550, 551, and 560 airplanes. That supplemental NPRM was published in the **Federal Register** on October 25, 2005 (70 FR 61580). That supplemental NPRM proposed to require revising the airplane flight manual (AFM) to prohibit use of the wing fuel boost pumps for defueling under certain conditions; installing a placard; doing other specified investigative and corrective actions as necessary; and modifying the boost pumps. That supplemental NPRM also would have required the subsequent removal of the AFM revision and placard.

Comments

We provided the public the opportunity to participate in the development of this AD. No comments have been received on the supplemental NPRM or on the determination of the cost to the public.

Clarification of Alternative Method of Compliance (AMOC) Paragraph

We have revised this action to clarify the appropriate procedure for notifying the principal inspector before using any approved AMOC on any airplane to which the AMOC applies.

Conclusion

We have carefully reviewed the available data and determined that air safety and the public interest require adopting the AD with the change described previously. We have determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.